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MAY 05 2006

OFFICE OF PETITIONS

In re Application of	:	
Steve Brnjac	:	
Application No. 10/667,422	:	DECISION ON PETITION
Filed: September 23, 2003	:	UNDER 37 C.F.R. §1.137(b)
Attorney Docket Number: 062349-	:	
0001	:	
Title: RETRACTABLE HOOK	:	
ASSEMBLY FOR MOUNTING ON A	:	
SURFACE	:	

This is a decision on the petition filed February 13, 2006, pursuant to 37 C.F.R. §1.137(b)¹, to revive the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed March 23, 2005, which set a shortened statutory period for reply of three (3) months. An after-final amendment was received on May 6, 2005, and an advisory action was mailed on May 20, 2005. On June 2, 2005, a second after-final amendment was received. No extensions of

- 1 A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:
- (1) The reply required to the outstanding Office action or notice, unless previously filed;
 - (2) The petition fee as set forth in § 1.17(m);
 - (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
 - (4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

time under the provisions of 37 CFR \$1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on June 24, 2005. A notice of abandonment was mailed on January 9, 2006.

With this petition, Petitioner has submitted the petition fee, and the required statement of unintentional delay. A terminal disclaimer is not required.

The amendment of June 2, 2005 has been reviewed by the Examiner, and it has been deemed to constitute the required reply.

As such, the petition is **GRANTED**.

The Technology Center will be notified of this decision, so that the amendment of June 2, 2005 can be further processed.

Petitioner has also submitted a one-month extension of time. An extension of time under 37 C.F.R. \$1.136 must be filed prior to the expiration of the maximum extendable period for reply². Accordingly, since the \$ 60 extension of time submitted with the petition on February 13, 2006 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank

² See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988).

Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.



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